FCC NOTICE OF PROPOSED RULEMAKING
EB DOCKET NO. 04-296 REVIEW OF EAS

The following comments are offered by the State of Ohio Emergency Management Agency (EMA) in response to the Federal Communications Commission (FCC) Notice of Proposed Rulemaking EB Docket No. 04-296, Review of Emergency Alert System (EAS).

It is extremely important that the commission make every effort to enhance the performance of the EAS during state and local emergencies. It is under these conditions where EAS provides the most day-to-day benefit and receives its widest use. As with any warning system, the EAS must be designed to effectively deliver emergency information in a timely and highly reliable manner. To assure this, strict standards must be in place. Consistency must exist throughout the system not only at the national level but state and locally as well. The requirements for the system for both notifiers and broadcasters must be clearly mandated. Our comments related to this Notice of Proposed Rulemaking have a focus on assuring that the EAS achieve a high level of reliability, thus driving public confidence and trust in the system. We have formatted our comments to align with the topic references and paragraph numbers of the Notice of Proposed Rulemaking.

Paragraph 111.1B.22-23

Effective warning must encompass the use of multiple systems. The EAS is one of many systems available to government. As a broadcasters system, the FCC must play an active role in overseeing the effectiveness of the EAS. In many areas the success of the EAS is due to the efforts of federal, state and local emergency management working closely with broadcasters to develop EAS plans and procedures. We agree with the Media Security and Reliability Council (MSRC) and the Partnership for Public Warning (PPW) that clear government agency taskings must exist for the EAS to be successful. We further agree with the MSRC that the emergency management disciplines at the federal, state and local level are most suited for the EAS planning responsibility. The FCC, however, must be active in this planning process and take the lead in enforcing commission rules on EAS. In areas where EAS is successful, that success was due to the forming of muti disciplined State (and local) Emergency Coordination Committees (SECC). We propose that the new rules require SECC's as the coordinating body for EAS. We feel that the Federal Emergency Management Agency (FEMA), under the Department of Homeland Security, should be the primary federal agency for EAS planning.

Paragraph 111.B.24

The voluntary participation in EAS has significantly impaired the credibility of the EAS. This is not only in the area of EAS broadcast transmission but in the areas of equipment upgrades and in the loading of new Event Codes. We feel that equipment upgrade and participation in the EAS at the state and local level must be mandated. If participation is mandated a system of policing notifier misuse must be established. Clear EAS plans and procedures must exist, authorized notifiers identified and trained. Standards must exist on the use of the EAS and those standards must focus on the use of the EAS only for cases posing an immediate threat to life, health or safety. All EAS codes should be

mandated. Only through a mandate on the use of codes can government and the public be guaranteed that automated station equipment is programmed to respond to all emergencies. EAS usage should be closely monitored by the FCC and system abuse on the part of notifiers or a lack of station participation pursued and corrected.

Paragraph 111.B.25

Commission rules should require states to have EAS plans and require plan updates at a minimum every five years. A requirement should exist for plans to be filed and approved by the FCC or the lead federal agency assigned the responsibility of plan review. Guidelines for the content of plans should be established by the responsible federal agency working with state and local government. Through these guidelines plan consistency can be assured.

Plan development should be the responsibility of emergency management working with the state and local Emergency Coordination Committees (ECC's). Options should exist for multi-state plans, however, as a minimum each state and local area must have a plan unless part of a regional plan. EAS use reporting should be mandated and funneled to the FCC through the state emergency management office.

Paragraph 111.B.26

The State of Ohio Emergency Management Agency (EMA) supports the development of uniform national guidelines for EAS implementation. These standards should focus on using the EAS for situations involving an immediate threat to life, health and safety. The monitoring of the National Weather Service (NWS) by all stations should be a requirement. The monitoring of the NWS should be in addition to the monitoring of two broadcast sources. EAS alerts should only be initiated at the request of local, state or federal government officials and standards for activation should be developed for use by these officials.

Paragraph 111.C.27

Ohio also lacks some confidence in the reliability of message fan-out from Primary Entry Points (PEP) stations. Many if not most states have a design for the dissemination of EAS broadcasts statewide. This infrastructure provides an option for use in the distribution of national broadcasts. While we are not opposed to a satellite delivery system, such a system if developed must provide the capability for federal, state and local access. The system must also be funded in a manner that would not pass charges on to individual broadcast stations or state and local government. If a satellite system is used redundancy must be addressed.

Paragraph 111.C.28

EAS activations issued using the new Event Codes are marginally reliable at best. This is a direct result of stations not upgrading EAS equipment. Many state and local EAS activation points are hesitant to use the new Event Codes in fear that station equipment will not properly decode and relay EAS messages using these codes. All code or equipment changes should be mandated by the commission. The time allowed for equipment upgrade should be set and not be extensive in duration. A requirement to upgrade equipment in 6 – 9 months after equipment availability would not be unreasonable. Participation in the EAS should be viewed by stations as a requirement for licensing. Under this concept, EAS equipment is a necessary part of the equipment needed to broadcast day-to-day programming. If government funding is provided it should be made available to all stations. Many Local Primary (LP) stations invest significant funds over that required by smaller stations to fulfill additional monitoring and relay roles.

Paragraph 111.D.29

For the EAS to effectively reach the public all listening and viewing sources must be part of the system. While we realize this creates challenges in segregating warnings to only listeners in the area impacted, such design must be part of the new EAS. Digital Broadcast Services (DBS) listeners and viewers continue to grow as digital technology grows and digital broadcast will become the primary viewing and listening source as we progress into the future. Digital broadcast will also provide us with opportunities for enhanced capabilities for message signaling. It is realized that incorporating EAS into digital services would place a burden on these services but the current public listening audience and future growth, demand their participation in the EAS. Testing standards must be applied equally across all EAS users and include testing from all levels of government.

The upgrade of set top boxes creates an additional burden on system providers. Any rules adopted should allow ample time for the migration of new set top technology and propose an interim solution to service providers until upgrades can be accomplished. The time allowed for this upgrade should include the time needed to develop selective routing and notification technology. National distributed services should not be exempt from airing local activations. Under this rulemaking process, service providers and vendors should be driven to the development of technology to address local notifier access and selective routing.

Paragraph 111.D.30

Digital sources should be required to provide audiences with the notification of an EAS activation on all program sources. The force tuning of receivers is a viable EAS option, as technology allows for this to occur. In the interim, it should be required that all program streams, to include analog, air the message.

Paragraph 111.E.31

EAS is just one of several warning systems available for use in carrying out public notification. Not any one system can reach 100% of the public 100% of the time. EAS penetration is currently designed around those listening to radio or viewing television at the time a warning is issued. As discussed in our response to Paragraphs 29 and 30 above, the level of EAS penetration can be increased by including all program sources for radio and television. The level of EAS penetration can also be increased by including a requirement for decoding capabilities to be part of future radio and television equipment.

Paragraph 111.E. 32 – 34

It is felt that EAS should remain a broadcast warning system and not be combined with other systems. A combined single system would create a complex weaving of disparate systems that could limit standards for individual system use and increase the likelihood of a single point failure. Many communities use reverse calling, outdoor warning systems, alert monitors, etc., for local warnings not meeting EAS criteria. These systems also employ geo-coded alerting and 2-way verification of activation and notifications made. A combined system could limit flexibility of use and reporting. A combined system could also create complexities in the build-out and ongoing funding of the system operation.

Paragraph 111.A.35

Effective indoor public warning highly depends on the ability of consumer electronic equipment to receive warnings. Household penetration of EAS warnings can be significantly improved if future radio and television devices are designed to turn on upon the receipt of a warning. Such a device must be geographically addressable and allow user selection of the feature. Mandating the adoption of such technology would assure its implementation and enhance the effectiveness of EAS.

Paragraph 111.F.3B.39

We support consistency across the sections of the commissions rules related to persons with disabilities. The current EAS crawler provides little detail on the content of the recorded audio. In the case of broadcast television, EAS information is usually followed up on by on-air broadcast personnel. However, on cable systems, no additional information is provided. This means that handicapped individuals, primarily the hearing impaired; have no way to view the text of the audio portion of an EAS message. Future system expansion should consider the generation of a crawler containing the entire content of the EAS message.

Paragraph 111.F.40

The current rules requiring that EAS announcements are made in the same language as the primary language of the station should be adequate to assure that listeners receive EAS messages. Typically the public listens to stations broadcasting in their language.

Paragraph 111.G.41

While security of the EAS is a concern, it is very difficult to totally secure a system from and to end against misuse. Jamming and the disruption of distribution methods are always a possibility; however, today's multiple path of distribution through monitoring assignments would prevent widespread disruption due to jamming. The password protection of existing equipment should be utilized. System security needs to be the responsibility of both the notifiers, relay points and broadcasters. If a total redesign of the EAS signaling format and distribution develops from this Notice of Proposed Rulemaking then encryption and authentication coding should be part of the new design.

Paragraph 111.G.42

For the EAS to be effective and to gain public trust all stations must air an EAS announcement. This is the only way to assure that the public, no matter what station they are listening to, will receive the warning. Most EAS activations are local; therefore, state and local activation signals must reach all stations. Satellite repeater stations must either be fed local programming from their head end or from local on site equipment that interrupts head end programming.

Paragraph 111.G.43

Comprehensive periodic testing of the entire EAS should be conducted. Ohio tests its statewide system twice per year. We would suggest an annual test be considered. This test would replace the required monthly test for the month it is run. We do not feel that the required monthly test adequately evaluates statewide EAS distribution. In Ohio we conduct two statewide tests yearly; one in the early spring as part of our severe weather awareness campaign and a second in October. Statewide testing should be required as part of the proposed rules.

Paragraph 111.G.44

Trained personnel are critical to the proper dissemination of EAS alerts. Broadcasters and notifiers must receive periodic training on the use of equipment and the EAS criteria. The public must be knowledgeable of the EAS and actions to take upon the receipt of a warning. The education approach must be multi-disciplined in that the responsibility for training must rest both with broadcasters, emergency managers, law enforcement and other system users. Emergency management professionals must assure that government

notifiers are trained on the proper use of the EAS, its activation procedures and equipment use. Broadcasters must train staff to issue alerts at the station level. To assure the training of new hires and for staff to retain proficiently, ongoing training and exercises on EAS use must be included as part of the training program.

Paragraph 111.G.45

The level of participation must remain consistent throughout the entire EAS structure. Both small and large station organizations must carry EAS messages in a reliable manner. If some stations are exempted and others not, the credibility and trust in the EAS will be seriously under-minded. Small stations can fully automate EAS, which would minimize staffing and training costs.

Paragraph 111.G.46

Strict and aggressive enforcement of the EAS rules must continue. Forfeitures for non-compliance should be of a significant level to force compliance and continuing violations should result in strong penalties to include the loss of licensing.

Paragraph 111.G.47

As changes are made to the EAS, the design of the EAS crawler must be modified to include the word "county" after the county name designation in the crawler. Ohio has thirty cities that lie outside of a county carrying the same name. An example of one such location is Sandusky, Ohio. Sandusky, Ohio is a city located in Erie County approximately ten miles west of the Sandusky County boarder. Both the City of Sandusky and Sandusky County are served by the same television stations. During a warning event residents in the City of Sandusky are frequently confused as to the meaning of warnings issued for Sandusky County, as they carry a crawler reading Sandusky, Ohio. The simple addition of "county" after each county name would go a long way in solving this situation. Attached is a letter sent to the FCC in 1997 voicing our concern over this issue.

As part of this rulemaking process, we would propose that the commission adopt a National Weather Service (NWS) relay originator code. Such a code would be used by the NWS when broadcasting a non-weather related emergency announcement over NOAA weather radio originated from a local or state emergency management agency.

In Ohio most broadcast stations monitor NOAA radio. The state and many county emergency managers are authorized to request activation of the NOAA weather radio for non-weather related emergencies. The state and most counties also have EAS encoders for activating the EAS.

In the past the NWS used the NWS originator code for any non-weather related NOAA weather radio broadcast. Changes at the NWS, over the last two years, has driven them to use the CEM originator code when activating NOAA weather radio at the request of emergency management. The use of the CEM code presents significant problems in the filtering of messages received by broadcasters. Occasionally the EAS and NOAA weather radio are both activated by emergency management. Under these conditions both the EAS originated by EMA and the NOAA relay show the originator as CEM. This situation does not allow for the EAS equipment to distinguish between the two activations and results in broadcasters airing both transmissions. A NWS relay code would allow EAS equipment to filter out and ignore the NWS broadcast, which is a duplicate of the EMA EAS message.

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- Administration
- Ohio State Highway Patrol
- Bureau of Motor Vehicles
- Division of Emergency Medical
- Emergency Management Agency

July 10, 1997

Mr. Frank Lucia
Management Planning & Program Evaluation Office
Federal Communications Commission (FCC)
1919 "M" Street, N. W.
Washington, D. C. 20554

Dear Mr. Lucia,

This is in follow-up to our telephone conversation of July 7, 1997, regarding Emergency Alert System (EAS) crawlers.

A recent storm situation in Ohio resulted in a weather warning being issued for Sandusky County, Ohio. The crawler generated by EAS equipment does not include the word "county" after the Federal Information Processing Code (FIPS) location. Therefore, the crawler for this message indicated a weather warning for Sandusky, Ohio.

Sandusky, Ohio, is a city located in Erie County approximately ten miles west of the Sandusky County border. Both the City of Sandusky and Sandusky County are served by the same television stations.

In this warning situation, watchers of local TV assumed that the warning was for Sandusky, Ohio. Residents in Sandusky County, where the warning was issued, ignored the warning. Residents of Sandusky, Ohio, were confused as the weather did not look threatening over the city. Needless to say, this situation rendered a viable warning system ineffective.

On a statewide perspective, Ohio has thirty cities that lie outside of a county that shares the same name. This quantity of combinations, shared with their dispersal throughout the state, creates the potential for confusion over EAS warning information anywhere in the State of Ohio.

It is requested that FCC consider action that would require the printing of the word "county" after the county names appearing on EAS crawlers.

If you have any questions or wish to discuss the above, feel free to contact me at (614) 889-7155.

Sincerely,

MARK A. PATCHEN
Chief, Support Services Branch

MAP:ljj

cc: Charles (Buck) Adams, Director, Medina County EMA
James Greer, Director, Ottawa County EMA
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Chairmen, all Local EAS Areas